

AN ORDINANCE 2006 - 01 - 12 - 58

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.

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WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 53, Block 19, NCB 16611 from "R-5" Residential Single Family District to "R-5 S" Residential Single Family District with a Specific Use Permit for a Home Day Care.

SECTION 2. The City Council finds as follows:

- A. The specific use will not be contrary to the public interest.
- B. The specific use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- C. The specific use will be in harmony with the spirit and purpose as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- D. The conditional use will not substantially weaken the general purposes or the regulations as set forth in Section 35-423, Specific Use Authorization, of the Unified Development Code.
- E. The specific use will not adversely affect the public health, safety and welfare.

SECTION 3. This change of zoning district boundary is conditioned on the requirement that the number of children at the Home Day Care be limited to 9 children.

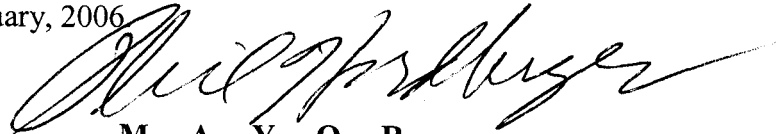
SECTION 4. The City Council approves this Specific Use Authorization so long as the attached site plan is adhered to. A site plan is attached as Exhibit "A" and made a part hereof and incorporated herein for all purposes.

SECTION 5. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 6. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 7. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

PASSED AND APPROVED this 12th day of January, 2006

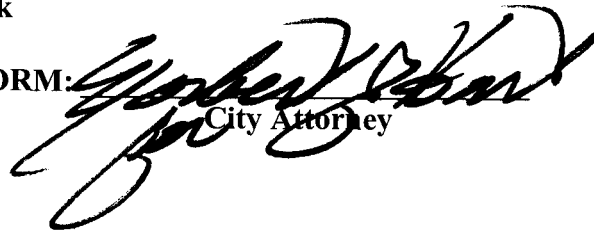


M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM:


City Attorney

CASE NO: Z2005268 S

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: December 06, 2005

Council District: 2

Ferguson Map: 585 C6

Appeal:

Applicant:

Owner

Richard and Enucia S. Cruz

Richard and Enucia S. Cruz

Zoning Request: From "R-5" Residential Single Family District to "R-5 S" Residential Single Family District with a Specific Use Permit for a Home Day Care

Lot 53, Block 19, NCB 16611

Property Location: 5939 Catalina Sunrise

Proposal: To operate a group home day care for up to twelve children

Neighborhood Association: Sunrise Neighborhood Coalition / Highland Farms Neighborhood Association is within 200 feet

Neighborhood Plan: IH 10 East Corridor Perimeter Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Consistent

The proposal, an increase in the number of children at an existing residential day care from 6 to 12, is consistent with the IH 10 Corridor Plan.

Approval, with a limit of 9 children.

The requested increase in the number of children at an existing residential day care is consistent with the IH 10 Corridor Plan. The potential traffic impact on the neighborhood normally associated with child care and day care uses will be mitigated by irregular pick up and drop off times. Additionally, some of the children coming to the residence live within walking distance, lessening the amount of potential vehicle traffic on Catalina Sunrise Drive. The applicant is agreeable to capping the number of children allowed by the specific use permit to 9 total.

The applicant has an existing day care facility at her residence. The Unified Development Code (UDC) allows child care operations in the "R-5" district by right provided the number of children does not exceed 6. Presumably, this would equate to two vehicle trips to the residence per day, per child. An increase in the number of children up to as many as 12 is permitted within the "R-5" with the approval of a Specific Use Permit. The applicant states that 3 of the 6 children she currently cares for are driven, while the other 3 walk accompanied to her residence. Although a Specific Use Permit would allow 6 additional children, the applicant is proposing an increase less than this, specifically in increase of 3. The difference in the total number of trips anticipated for 6 children and the number of trips anticipated for 9 is negligible given that some of the children will be brought to the residence on foot and not by vehicle.

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The applicant has operated the day care out of her home for about 5 years and has obtained the necessary licensing for the operation. She has stated all licensing and insurance requirements have been kept current since the inception of the day care. Lastly, the health and safety of the children is substantially protected outside, as all outdoor areas accessible to the children are fenced and there is no swimming pool on the property.

Zoning Commission Recommendation:

Approval, with a limit of 9 children

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	10
AGAINST	0
ABSTAIN	1
RECUSAL	0

Z2005268 S

ZONING CASE NO. Z2005268 S – December 6, 2005

Applicant: Richard and Enucia S. Cruz

Zoning Request: “R-5” Residential Single-Family District to “R-5 S” Residential Single-Family District with a Specific Use Permit for a Home Day Care.

Enucia Cruz, 5939 Catalina, owner, stated that she is requesting the change of zoning to operate a licensed childcare facility for up to twelve children.

FAVOR

Richard Cruz, 5939 Catalina, stated that he supports the request for change of zoning for a childcare facility for up to 12 children. He further stated that his wife is licensed for childcare and she also meets the national requirements for child day care.

Staff stated there were 47 notices mailed out to the surrounding property owners, 0 returned in opposition and 2 returned in favor, 11 notices were sent to the Planning Team and there was no response from the Sunrise Neighborhood Coalition/ Highland Farms Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Kissling to find consistency with the neighborhood plan.

AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, Kissling Avila, Stribling, Gray

NAYS: None

ABSTAIN: McAden

THE MOTION CARRIED

COMMISSION ACTION

The motion was made by Commissioner Marshall and seconded by Commissioner Kissling to recommend approval with the limit of 9 children.

Z2005268 S

1. Property is located on Lot 53, Block 19, NCB 16611, 5939 Catalina.
2. There were 47 notices mailed, 0 returned in opposition and 2 in favor.
3. Staff recommends approval with a limit of 9 children.

**AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, Avila,
Stribling, Gray, Kissling**

NAYS: None

ABSTAIN: McAden

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.